

FILED

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

APR 29 1999

PEGGY B. DEANS, CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF N.C.

IN RE:

CASE NO.

INTERNATIONAL HERITAGE, INC.,

98-02675-5-ATS

DEBTOR

ORDER DENYING MOTION TO ACCEPT PROOFS OF CLAIM

The matter before the court is the Motion to Accept Proofs of Claim filed on behalf of Jack B. Hinton, Henry L. Balkcom, IV, Jack B. Hinton, Jr., Ulric S. Ward, III, Henry B. Hinton, J. Stinson Slawson and Dana H. Smith. The movants, who are creditors of the chapter 7 debtor, International Heritage, Inc., acknowledge that they received notice of the bankruptcy but did not file their claims timely. The movants seek the court's permission to file proofs of claim, but that permission is not required. The Bankruptcy Code recognizes late-filed claims but gives the late claims a lower priority than the priority for timely-filed claims. 11 U.S.C. § 726.

What the movants really want is for the court to extend the time limit for filing their proofs of claim. The court's discretion to extend the time for filing proofs of claim is limited, and the movants have neither shown their standing to ask for an extension nor have they shown cause for the extension. FED. R. BANKR. P. 3002(c)(2).

Accordingly, the Motion to Accept Proofs of Claim is DENIED.

SO ORDERED.

DATED: APR 29 1999


A. Thomas Small
Bankruptcy Judge

U.S. Bankruptcy Court for the Eastern District of North Carolina
U.S. BANKRUPTCY COURT, PO BOX 1441, RALEIGH, NC 27602-1441

In Re: a Petition for Relief under chapter 7 of Title 11, U.S. Code, filed by or
against the below-named Debtor(s) on November 25, 1998:

DEBTOR: **INTERNATIONAL HERITAGE, INC. of 2626 GLENWOOD AVE., #200,**
RALEIGH NC 27608, SSAN: NA TAX ID: 56-1921093

CASE NO. 98-02675-5-ATS

**ORDER AND NOTICE
BY THE COURT**

CERTIFICATE OF MAILING

I am a regularly appointed and qualified deputy clerk in the office of the
clerk, in and for said court and district, and I hereby certify that a copy of
the attached document was mailed in a postage prepaid envelope addressed to the
following at their respective addresses, by placing said envelope in the regular
mail in Raleigh, NC, on this date.

DATED: APR 29 1999

Martere Meier
DEPUTY CLERK

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